

1 ROGER P. CROTEAU, ESQ.
Nevada Bar No. 4958
2 TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
3 ROGER P. CROTEAU & ASSOCIATES, LTD.
9120 West Post Road, Suite 100
4 Las Vegas, Nevada 89148
(702) 254-7775
5 (702) 228-7719 (facsimile)
croteaulaw@croteaulaw.com
6 *Attorney for Defendant*
THUNDER PROPERTIES, INC.
7
8
9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 BANK OF NEW YORK MELLON F/K/A THE)
14 BANK OF NEW YORK, AS TRUSTEE, ON)
BEHALF OF THE REGISTERED HOLDERS)
15 OF ALTERNATIVE LOAN TRUST 2007-)
OA7, MORTGAGE PASS-THROUGH)
16 CERTIFICATES SERIES 2007-OA7,)

Case No. 3:16-cv-00097-MMD-WGC

17 Plaintiff,)

18 vs.)

19 THUNDER PROPERTIES, INC., a Nevada)
corporation; SUNRISE VILLAS)
20 CONDOMINIUM HOMEOWNERS)
ASSOCIATION, a Nevada non-profit)
21 corporation; E. ALAN TIRAS, ESQ., an)
individual; and E. ALAN TIRAS, P.C., a)
22 Nevada Professional Corporation,)

23 Defendants.)
24

JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL

25 COMES NOW, Defendants, THUNDER PROPERTIES, INC. (“*Thunder*”) and
26 SUNRISE VILLAS CONDOMINIUM HOMEOWNERS ASSOCIATION (“*HOA*”), and
27 Plaintiff, BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS
28

1 TRUSTEE, ON BEHALF OF THE REGISTERED HOLDERS OF ALTERNATIVE LOAN
2 TRUST 2007-OA7, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-OA7
3 (“BoNYM”), by and through their undersigned counsel, and hereby jointly move this Court to
4 extend the time to file a Notice of Appeal in this matter, stating as follows:

- 5 1. On August 26, 2019, this Court entered an Order granting BoNYM’s Motion for
6 Summary Judgment. [ECF #82].
- 7 2. On the same date, a Final Judgment was entered. [ECF #83].
- 8 3. Since the entry of the Final Judgment, Thunder, HOA and BoNYM, as well as the
9 previously dismissed Defendants, E. Alan Tiras, Esq. and E. Alan Tiras, P.C.,
10 have negotiated the terms of an amicable global settlement of all claims that exist
11 between them in relation to the subject matter of this litigation. All necessary
12 terms have been agreed upon but the parties need to prepare and execute a
13 settlement agreement memorializing their agreement.
- 14 4. The current deadline to file a Notice of Appeal is September 25, 2019.
- 15 5. The parties desire to document and finalize their settlement before incurring the
16 costs associated with an appeal.
- 17 6. Fed. R. App. P. 4 provides in pertinent part as follows:
18 (5) *Motion for Extension of Time.*
19 (A) The district court may extend the time to file a notice of appeal
20 if:
21 (i) a party so moves no later than 30 days after the time prescribed
22 by this Rule 4(a) expires; and
23 (ii) regardless of whether its motion is filed before or during the 30
24 days after the time prescribed by this Rule 4(a) expires, that party
25 shows excusable neglect or good cause.
26 (B) A motion filed before the expiration of the time prescribed in
27 Rule 4(a)(1) or (3) may be ex parte unless the court requires
28 otherwise. If the motion is filed after the expiration of the
prescribed time, notice must be given to the other parties in
accordance with local rules.
(C) No extension under this Rule 4(a)(5) may exceed 30 days after
the prescribed time or 14 days after the date when the order
granting the motion is entered, whichever is later.
7. Pursuant to Fed. R. App. P. 4, Thunder, HOA and BoNYM respectfully request
that this Court enter an Order extending the deadline to file a Notice of Appeal

herein until (a) October 25, 2019; or (b) 14 days after an Order granting this Motion is entered, whichever is later.

8. This Motion is made in good faith and not for purpose of delay.

Dated this 23rd day of September, 2019.

ROGER P. CROTEAU &
ASSOCIATES, LTD.

LIPSON NEILSON, P.C.

/s/ Timothy E. Rhoda
TIMOTHY E. RHODA, ESQ.
Nevada Bar No. 7878
9120 West Post Road, Suite 100
Las Vegas, Nevada 89148
(702) 254-7775
croteaulaw@croteaulaw.com
Attorney for Defendant
Thunder Properties, Inc.

WRIGHT, FINLAY & ZAK, LLP

/s/ David T. Ochoa
DAVID T. OCHOA, ESQ.
Nevada Bar No. 10414
9900 Covington Cross Drive
Suite 120
Las Vegas, NV 89144
702-382-1500
702-382-1512 (fax)
dochoa@lipsonneilson.com
Attorney for Defendant
Sunrise Villas Condominium Owners
Association

/s/ Dana Nitz
DANA JONATHON NITZ, ESQ.
Nevada Bar No. 00050
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
dnitz@wrightlegal.net
Attorney for Plaintiff
Bank of New York Mellon

IT IS SO ORDERED

By: 
Judge, U.S. District Court

Dated: September 23, 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL** to the following parties:

Victoria Hightower
Wright, Finlay & Zak, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
vhightower@wrightlegal.net
Attorney for Plaintiff
Bank of New York Mellon

Dana Jonathon Nitz
Wright, Finlay & Zak, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
dnitz@wrightlegal.net
Attorney for Plaintiff
Bank of New York Mellon

Edgar C. Smith
Wright, Finlay & Zak, LLP
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
702-475-7964
702-946-1345 (fax)
esmith@wrightlegal.net
Attorney for Plaintiff
Bank of New York Mellon

Kaleb D. Anderson
Lipson Neilson Cole Seltzer & Garin, P.C.
9900 Covington Cross Dr., Suite 120
Las Vegas, NV 89144
702-382-1500
702-382-1512 (fax)
kanderson@lipsonneilson.com
Attorney for Defendant
Sunrise Villas Condominium Owners Association

David T. Ochoa
Lipson Neilson Cole Seltzer & Garin, P.C.
9900 Covington Cross Drive
Suite 120
Las Vegas, NV 89144
702-382-1500
702-382-1512 (fax)
dochoa@lipsonneilson.com
Attorney for Defendant
Sunrise Villas Condominium Owners Association

Joseph P. Garin
Lipson Neilson Cole Seltzer & Garin, P.C.
9900 Covington Cross Dr., Suite 120
Las Vegas, NV 89144
702-382-1500
702-382-1512 (fax)
NVECF@lipsonneilson.com
Attorney for Defendant
Sunrise Villas Condominium Owners Association

/s/ Timothy E. Rhoda
An employee of ROGER P. CROTEAU &
ASSOCIATES, LTD.